

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**PURDUE PHARMA L.P., THE P.F.  
LABORATORIES, INC., PURDUE  
PHARMACEUTICALS L.P., AND RHODES  
TECHNOLOGIES,**  
*Plaintiffs-Appellants,*

v.

**EPIC PHARMA, LLC,**  
*Defendant-Appellee.*

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2014-1294

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Appeal from the United States District Court for the  
Southern District of New York in No. 1:13-cv-00683-SHS,  
Judge Sidney H. Stein.

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**PURDUE PHARMA L.P., THE P.F.  
LABORATORIES, INC., PURDUE  
PHARMACEUTICALS L.P., AND RHODES  
TECHNOLOGIES,**  
*Plaintiffs-Appellants,*

v.

**MYLAN PHARMACEUTICALS INC. AND MYLAN**

**INC.,**  
*Defendants-Appellees.*

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2014-1296

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Appeal from the United States District Court for the Southern District of New York in No. 1:12-cv-02959-SHS, Judge Sidney H. Stein.

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**PURDUE PHARMA L.P., THE P.F.  
LABORATORIES, INC., PURDUE  
PHARMACEUTICALS L.P., RHODES  
TECHNOLOGIES, AND GRUNENTHAL GMBH,**  
*Plaintiffs-Appellants,*

v.

**AMNEAL PHARMACEUTICALS, LLC,**  
*Defendant-Appellee.*

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2014-1306, -1307

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Appeals from the United States District Court for the Southern District of New York in No. 1:11-cv-08153-SHS, Judge Sidney H. Stein.

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**GRUNENTHAL GMBH, PURDUE PHARMA L.P.,  
THE P.F. LABORATORIES, INC., PURDUE  
PHARMACEUTICALS L.P., AND RHODES  
TECHNOLOGIES,**

PURDUE PHARMA L.P. v. EPIC PHARMA, LLC

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*Plaintiffs-Appellants,*

**v.**

**TEVA PHARMACEUTICALS USA, INC.,**  
*Defendant-Appellee.*

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2014-1311, -1312, -1313, -1314

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Appeals from the United States District Court for the Southern District of New York in Nos. 1:12-cv-02037-SHS and 1:12-cv-05083-SHS, Judge Sidney H. Stein.

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**ON MOTION**

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Before MOORE, *Circuit Judge.*

**O R D E R**

Teva Pharmaceuticals USA, Inc. moves to dismiss, arguing that a settlement agreement between itself and Purdue Pharma L.P. et al. (“Purdue”) moots Appeal Nos. 2014-1311, -1312, and -1313. Purdue opposes. Teva replies. Purdue moves for leave to file a surreply. Mylan Pharmaceuticals Inc. and Mylan Inc. move to compel production of the settlement agreement. Teva and Purdue oppose the motion.

On January 7, 2015, this court ordered transmittal of a copy of the settlement agreement to the merits panel assigned to the case for purposes of evaluating any jurisdictional concerns.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) Teva's motion to dismiss and Purdue's motion for leave to file a surreply are deferred for consideration by the merits panel assigned to the case. A copy of this order and the motion papers shall be transmitted to the merits panel.
- (2) Mylan's motion to compel is denied.
- (3) The stay of the briefing schedule is lifted. The response briefs are due within 30 days from the date of filing of this order.

FOR THE COURT

/s/ Daniel E. O'Toole  
Daniel E. O'Toole  
Clerk of Court

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